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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,776	03/15/2005	Moti Shniberg	1246-US2	7137
24505	7590	12/04/2006	EXAMINER	
DANIEL J SWIRSKY 55 REUVEN ST. BEIT SHEMESH, 99544 ISRAEL			MULLEN, THOMAS J	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/501,776

Applicant(s)

SHNIBERG ET AL.

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/7/06, 10/16/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 120-158 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 120-155 is/are allowed.
- 6) ☒ Claim(s) 156 and 158 is/are rejected.
- 7) ☒ Claim(s) 157 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The responses filed 7/7/06 and 10/16/06 have been fully considered.
2. The indicated allowability of claims 156 and 158 is withdrawn in view of the newly discovered reference(s) to Cameron (US 6685094). The delay in citing and applying this art is regretted. Rejections based on the newly cited reference(s) follow.
3. Claims 156-158 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.  
Claim 156, line 3, the semi-colon after "and" should either be deleted, or changed to a comma.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
5. Claims 156 and 158 are rejected under 35 U.S.C. 102(e) as being anticipated by Cameron (US 6685094).

Note in Cameron, Figs. 1, 2A-B and 4A-B; the Abstract; and col. 2, line 40 to col. 4, line 28. Cameron discloses a visually sensible indicator ("thermochromic bar code" 130) mountable on an object (i.e., a "product" or "item" for sale in a retail environment--see e.g. col. 1, lines 51-53), the indicator 130 comprising "a coded indication of object identification" (inherent in the use of a "bar code" in the environment and for the purpose discussed by Cameron; note also the standard bar code 10, with respect to which bar code 130 is identical under normal temperature conditions), and "a coded indication of object environment history" (i.e., Cameron teaches using "thermochromic materials"--col. 1, lines 63-65--as part of bar code 130, note "thermochromic digits/modules" 80,110 in Figs. 2A-B and 4A-B, such that when the product having the bar code

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130 attached thereto is subjected to temperatures above a predetermined threshold, the thermochromic materials in the bar code become transparent, thus changing the code to "record a(n) environmental event in the bar code's history", col. 3, lines 64-65; in other words, to provide a "coded indication" of the object's "environmental history").

6. Claim 157 would be allowable if rewritten to overcome the objection(s) under 37 CFR 1.75(a) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 120-155 are allowed.

7. This Office action is non-final.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM

  
THOMAS MULLEN  
PRIMARY EXAMINER  
4U 2612